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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANIMAL BLOOD BANK, INC., et al.,

Plaintiffs,

No. 2:10-cv-02080-KJM-KJN

vs.

ANNE S. HALE,

Defendant.

ORDER

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On July 7, 2011, at the request of the parties, Magistrate Judge Kendall J. Newman presided over in an informal telephonic discovery conference.<sup>1</sup> By the parties' consent, the conference occurred off-the-record. Attorney Marc Koenigsberg attended on behalf of the plaintiffs Animal Blood Bank, Inc. and Michael and Patricia Kaufman (the "plaintiffs"). Attorney Kellie Murphy attended on behalf of the defendant Anne S. Hale (the "defendant"). For the reasons given to the parties during the informal conference, the court orders the following:

1. Defendant's counsel will investigate whether documents on defendant's personal laptop can be organized and/or imaged to include folders, directories, etc., so as to enable plaintiffs to navigate the approximately 18,000 documents copied from the laptop and to allow defendant to direct plaintiffs to specific folders, directories, Bates-stamp number ranges,

\_\_\_\_\_ <sup>1</sup> This action proceeds before the undersigned pursuant to Eastern District of California Local Rule 302(c)(1) and 28 U.S.C. § 636(b)(1).

1 etc., in identifying documents responsive to plaintiffs' discovery requests.

2           2.       Within two weeks of the date of this order, defendant's counsel shall  
3 inform plaintiffs' counsel in writing as to whether the documents on defendant's personal laptop  
4 can be organized and/or imaged in the manner described above. If it becomes clear that the  
5 documents on defendant's personal laptop *can* be organized and/or imaged in the manner  
6 described above, within one week thereafter defendant shall produce the responsive documents  
7 held on defendant's personal laptop. Defendant may choose to specifically identify the folders,  
8 directories, or Bates ranges of the responsive documents rather than reprinting and producing  
9 them. If it becomes clear that the documents on defendant's personal laptop *cannot* be organized  
10 and/or imaged in the manner described above, defendant may present alternative proposals  
11 regarding the organization of the 18,000 documents on her laptop for purposes of discovery in  
12 this case. If defendant fails to make acceptable alternative proposals, the court may order  
13 defendant herself to review and organize the 18,000 documents and identify which individual  
14 documents are responsive to plaintiffs' discovery requests.

15           3.       Within seven days of the date of this order, all counsel shall meet and  
16 confer regarding terms of a protective order designed to help alleviate various privacy concerns  
17 and objections in this case. The parties are directed to Local Rule 141.1. Such a protective order  
18 shall be signed within seven days of commencing this meet and confer process.

19           4.       Within seven days of the date of this order, all counsel shall meet and  
20 confer regarding the specific contents of an "updated" declaration from defendant Hale regarding  
21 the use of her personal laptop since September 14, 2010. (Dkt. No. 12-2, ¶ 5.) Within seven  
22 days after counsel commence the meet and confer process regarding the desired content of  
23 defendant Hale's updated declaration, defendant Hale shall sign the declaration. If counsel are  
24 unable to agree on the specific contents of the declaration, the parties may file the necessary  
25 motion(s), including, but not limited to, a motion requesting a re-imaging of plaintiff's laptop.

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